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First Vehicle Forfeiture Hearing Upheld

Judge Kaneshiro Rules in City Attorney's Favor

The San Diego City Attorney successfully prosecuted San Diego's first Vehicle Forfeiture Hearing early this week. As part of the San Diego Traffic Offenders Program (S.T.O.P.) the city is aggressively pursuing seizure of vehicles driven by suspended, revoked or unlicensed drivers.

Municipal Court Judge Gale E. Kaneshiro upheld the People's request by ordering the forfeiture of a 1994 Mazda 929 driven by Derrick Nathaniel Logan, who was driving on a suspended license and had a prior misdemeanor conviction for a similar offense. "The public should be on notice that when we say 'No License, No Car, No Exceptions--we mean it,'" said San Diego City Attorney Casey Gwinn.

On January 1, 1997 the Police Department and the City Attorney initiated San Diego's S.T.O.P. program with the assistance of full time Deputy City Attorney, Joan McNamara. The S.T.O.P. program was funded by a grant from the State of California Office of Traffic Safety. To date, 22 vehicles have been forfeited.

Under Vehicle Code section 14607.6, the state may seize a vehicle when the driver is unlicensed or has a suspended or revoked license, is the registered owner of the vehicle and has a prior misdemeanor conviction for a license offense.

When a vehicle is towed for a driving offense, the S.D.P.D., determines if the car is subject to forfeiture as a public nuisance. If so, within two business days, the registered and legal owners are sent a notice of forfeiture by certified mail. The registered owner/driver has three business days to get a valid license in order to stop the forfeiture. Otherwise, the owners have 15 business days to file a Claim in Opposition to the forfeiture. If no claim is filed, the City Attorney issues a Declaration of Forfeiture and the vehicle is sold at auction. When a Claim in Opposition is filed, a forfeiture hearing is set in the Municipal Court.

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